

BOARD OF FORESTRY AND FIRE PROTECTION

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MINUTES BOARD OF FORESTRY AND FIRE PROTECTION MEETING JULY 12 2006 SACRAMENTO, CA

BOARD OF FORESTRY MEMBERS PRESENT:

Stan Dixon, Chairman
Kirk Marckwald, Vice Chair
Gary Rynearson
Mark Bosetti
Ronald Nehring
Jim Ostrowski
David Nawi
Bruce Saito
Pam Giacomini

BOARD STAFF:

George Gentry, Executive Officer
Eric Huff, Executive Officer, Foresters Licensing
Chris Zimny, Regulations Coordinator
Carol Horn, Executive Assistant

DEPARTMENTAL STAFF:

Ruben Grijalva, Director
Crawford Tuttle, Chief Deputy Director
Bill Snyder, Deputy Director, Resource Management
Giny Chandler, Chief Council
Dennis Hall, Staff Chief, Resource Management
Duane Shintaku, Staff Chief, Resource Mgmt.

CALL TO ORDER

Chairman Dixon called the July 2006 meeting of the Board of Forestry and Fire Protection to order and adjourned to closed session.

ANNOUNCEMENT OF ACTIONS TAKEN IN EXECUTIVE SESSION

The Board authorized staff to file a letter requesting reconsideration with the Supreme Court in the matter of Big Creek v. Santa Cruz.

APPROVAL OF MINUTES FROM APRIL, MAY AND JUNE 2006

Member Bosetti made a motion to approve April, May and June minutes. Member Nehring seconded the motion. All members were in favor.

CONSENT CALENDAR

At the request of Executive Officer Huff, the Consent items were deferred until the regular Licensing agenda item.

REPORT OF THE CHAIRMAN

The Board members who have been appointed or reappointed by the Governor will have their confirmation hearing will be held on August 16 at 1:30 p.m.

REPORT OF THE DIRECTOR/DEPARTMENT

Chief Grijalva said CDF is fully into fire season. There are three major fires right now in California. CDF responded to a fire in Baja, Mexico last month. CDF and local government have increased their enforcement of illegal fireworks; 140,000 pounds of fireworks were confiscated. The Governor's budget has been signed, it contains \$30 million for the compaction and inversion issue statewide. Chief Grijalva reported the Department is making significant progress in updating their aging infrastructure and aging equipment. CDF is working with the Legislature, Sierra Club, and Forestry Association for funding of a FRIF Account for \$6.5 million of General Fund dollars. They have been working on trailer-bill language to address concerns about continuity with Jackson State Forest funding and a FRIF Account, which was done for budgetary purposes. After a determination of the environmental impact report, Chief Grijalva said CDF staff will be available to work with the Board and Board staff on a master plan.

REPORT OF CDF AND DFG ON STATUS OF COHO REGULATIONS

Resources Secretary Chrisman spoke about the joint meeting of the Board of Forestry and Fish and Game Commission, and the need for improvement of regulatory frameworks surrounding forest land and the enhanced protection of endangered species and improving the process for some of the management practices. Last month a superior court judge upheld the Fish and Game's decision to list Coho into the California Endangered Species Act. The appeals process has not run its course. Secretary Chrisman said the Board and Commission are in a unique position to adopt some substantive rules to protect this resource. Secretary Chrisman said we have to protect species and improve habitat. and include landowners as part of this process. By developing one comprehensive single set of rules, the Dept. of Fish and Game and Dept. of Forestry and Fire Protection will enhance the protection for endangered species. Secretary Chrisman encourages the Department of Fish and Game and the Department of Forestry and Fire Protection to coordinate their efforts to formulate a working group. Secretary Chrisman looks forward to the Board of Forestry and the Fish and Game Commission working together on this process.

Chairman Dixon said the Board will make every effort to give this their immediate attention. The Executive Officer will immediately coordinate with the Fish and Game Commission.

Mr. Crawford Tuttle, CDF Chief Deputy Director, said the Department needs to take seriously the Secretary's charge to harmonize the process to achieve a strong forestry, wildlife, and water quality stewardship. Mr. Tuttle is appreciative of the efforts by the CDF and DFG professionals that have been working on collaboratively scoping out ideas for further dialogue and consideration. Mr. Tuttle acknowledged Chief Grijalva, Deputy Director Bill Synder, and Counsel Ginny Chandler, who have been supporting Chief Shintaku's efforts. Mr. Tuttle would also like to acknowledge the efforts of DFG Director Ryan Broddrick, Chief Deputy Director John McCammon, Deputy Banky Curtis, Kevin Hunting, and Marty Berbach.

Mr. Mark Stopher, DFG's Program Manager from the Redding Office, was joined at the meeting by Mr. Marty Berbach and Mr. Kevin Hunting. Mr. Stopher reviewed the timeline relative to coho. On July 19, 2000, the Steelhead Coalition petitioned the Fish and Game Commission that Coho Salmon be listed in the California Endangered Species Act. On November 30, 2000, the Dept. of Fish and Game determined there was sufficient information to indicate that the listing may be warranted. In April 2001 the Commission declared the Coho Salmon to be a candidate species for listing. In April 2002, the Department submitted a status review on California Coho Salmon to the Commission for salmon north of San Francisco. The Commission decided to list Coho Salmon as threatened or endangered at their meeting on August 30, 2002. The Commission determined that listing was warranted, but deferred actual listing action, and directed the Department of Fish and Game to prepare a Coho Recovery Strategy. The Department prepared a Recovery Strategy and provided it to the Commission in February 2004. The Commission accepted the Recovery Strategy at their meeting in February 2004, and directed DFG to prepare regulations. The listing of Coho Salmon became effective on March 30, 2005. At that time, the listing decision was challenged in Sacramento County Superior Court. The case is now adjudicated in favor of the listing decision. DFG has a work plan to move forward with regulations. This work plan was requested by Senator Kuehl. Senator Kuehl's letter states that DFG's work schedule is unsatisfactory because it anticipates that the rulemaking process will take 18 months to complete, which means new regulations would not become effective until the beginning of 2008 at the earliest. Senator Kuehl said this is unacceptable because the Fish and Game Commission voted to designate coho salmon a state-listed species nearly two years ago. Mr. Stopher did not bring the draft regulations because they still have to fine-tune them. He outlined a prescriptive alternative which builds upon the existing T/I watershed rules, and would include an abbreviated approval process. DFG has established in the prescriptive option some enhancements to the existing T/I rules, and contemplates that it will meet the standard for CESA. The Department of Fish and Game would encourage the Commission, the Board, and CDF to consider all the alternatives.

Chief Shinkatu said CDF supports the regulations, they are necessary for coho recovery. CDF hopes the Board will adopt 2112 as Board regulations. CDF doesn't want two sets of regulations.

Executive Officer Gentry said there are three regulatory options the Board could do, all of which would have beneficial impacts for DFG. One option is if the Board were to move forward with 2112 option and adopted those rules in the first part of next year, their CEQA process would be enhanced. Secondly if the Board were to move forward with a 45-day notice in August there would be sufficient time for the regulation to be effective on January 1, 2007. The last option for the Board would be if they substantiate an emergency, which would make the rules effective immediately upon the date that they were filed with the Secretary of State.

Member Nawi said a lot of people, particularly on the landowner side, feel existing T/I Rules have unnecessary protections. The Board has embarked on an independent scientific review, which will take a good period of time to determine what provisions should be made. A single Board regulation to address the T/I regulatory process and substance that would satisfy state requirements for Incidental Take Permit and a 4D rule for NMFS would be desirable. Industry would have regulatory certainty, streamlining would have a consistent state package. Member Nawi doesn't see how they both mesh. Some people are saying we don't need the rules the way they are, they are too stringent.

Chairman Dixon directed staff to coordinate and agendaize for next month with both Departments. Chairman Dixon said staff will have to develop an agenda item for next month to put this together to see what the Board's approach will be. Member Nawi suggested putting this item on the Forest Practice Committee agenda. Chairman Dixon agreed.

REPORT OF THE CALIFORNIA OAK MORTALITY TASK FORCE (COMTF)

Mr. Jesse Rios gave an update on the California Oak Mortality Task Force, which was included in the Board's binder.

REPORT OF THE BOARD'S ADVISORY COMMITTEES

Forest Pest Council

No report given.

Range Management Advisory Committee (RMAC)

No report given.

Monitoring Study Group (MSG)

Mr. Pete Cafferata gave an update on the Monitoring Study Group, which was included in the Board binder. The Group has not met since the last Board meeting. It is expected they will meet in mid-September. The MSG draft revised Strategic Plan was posted on the MSG website. A letter explaining the IMMP pilot project was widely distributed to landowner couples via email on July 15.

Professional Foresters Examining Committee (PFEC)

Mr. Eric Huff, Executive Officer, Foresters Licensing, requested reported the passing of Ms. Sandra Davidson, RPF No. 2315 and Mr. Randall R. David, RPF No. 341.

Six RPFs have requested withdrawals, they are:

Ronald Voss, RPF No. 530
Kenneth Dunn, RPF No. 1470

William Coulter, RPF No. 1592
William Houston, RPF No. 1662

Laurence Sommers, RPF No. 1867

David Norris, RPF No. 1906

Four RPFs have requested reinstatement, they are:

Michael G. Garcia, RPF No. 1859
Emmor Nile, RPF No. 2151

Rodney Burns, RPF No. 2164
Brian Hirt, ROF No. 2729

Seven RPFs have requested "Voluntary Relinquishment", they are:

Steven Wert, RPF No. 138
Benjamin Smith, RPF No. 1406
Robert Gustofson, RPF No. 65
Kenneth Englebretson, RPF No. 744

Robert Taylor, RPF 1314
Alan Goudy, RPF No. 1030
Dominic Beran, RPF No. 1027

07-12-11: Member Ryneanson made a motion to approve the PFEC requests. Member Nawi seconded the motion. All were in favor.

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Mr. Huff asked for Board approval for the following applicants who successfully completed the examination administered on April 7, 2006, and met the requirements of PRC subsection 769 for licensing as Registered Professional Foresters:

Mr. Roger R. Petersen, RPF No. 2822	Mr. Dominik Leo Schwab, RPF No. 2823
Mr. Joshua R. Blankenship, RPF No. 2824	Mrs. Heather Windsor, RPF No. 2825
Mr. Jared Gerstein, RPF No. 2826	Mr. Daniel O. Prielipp, RPF No. 2827
Mr. Matthew T. Waverly, RPF No. 2828	Mr. Ryan W. Haldley, RPF No. 2829
Mr. John A. Dickson II, RPF 2830	Mr. Timothy J. Holliday, RPF No. 2831

07-12-11: Member Ryneanson made a motion to approve the successful examinees for acceptance into the ranks of Registered Professional Foresters. Member Ostrowski seconded the motion. All were in favor.

Mr. Huff reported the PFEC held a subcommittee meeting to establish a policy statement, and the meeting went well, and they are on their way to developing a policy. Mr. Huff anticipates having the policy statement for Board review and possible action as early as September.

Chairman Dixon thanked Mr. Huff and the PFEC for their work.

Member Nawi asked what direction the PFEC was going in.

Mr. Huff said the direction they are working towards is to recognize that local jurisdictions acting as Lead Agencies have the responsibility and discretion to choose which professionals are necessary to any given CEQA Project. The PFEC is attempting to acknowledge in the proposed policy statement that there are a number of professions with expertise appropriate to forested landscapes and that an interdisciplinary approach, rather than the involvement of any one discipline is always most favorable.

REPORT OF THE UNITED STATES FOREST SERVICE

Mr. Mike Chapel, representing the U. S. Forest Service, said yesterday Secretary Chrisman did a briefing for the press on the "Roadless" issue. Around noon today, Mr. Chapel understands the

Governor will sign and forward the petition to the Secretary of Agriculture. The details of the state petition are essentially to continue the management regime as in the past on national forests: to prohibit the building of roads in Roadless areas, with a few special exceptions; such as providing access across land-locked pieces of private land. The petition will go to a federal advisory committee in Washington D.C. to advise the Secretary on the adequacy of the proposal. From there the Secretary will decide whether or not the petition will be suitable for processing.

Member Ryneanson asked Mr. Chapel about staffing levels for the Forest Service for this fire season. Member Ryneanson asked if Forest Service stations would be staffed only five days out of a seven day staffing Level.

Mr. Chapel said he was not up to speed on that issue. The Forest Service's budget is down this year, and they don't have as many firefighters as they had last year. Mr. Chapel said he would get together with Mr. Zimny over the next few days to discuss the issue to find out what the Board's questions and concerns are about, so they can provide good, solid information.

Member Nawi asked Mr. Chapel if the Roadless petition is adequate and accepted, and the Advisory Committee recommends that it be approved, will the Secretary of Agriculture have any discretion at that point or does he just propose a rule-making consistent with the content of the petition.

Mr. Chapel said the Secretary will have discretion.

Member Ostrowski would like to be kept informed on the Forest Service staffing level issue, and funding for programs and activities.

Mr. Chapel asked if it would be helpful to have a representative from the Forest Service present at the Committee meeting to answer questions. Mr. Chapel will work with Executive Officer Gentry on this.

HEARING: Lake Tahoe Region Exemption, 2006.

This rule package was the subject of a hearing on March 8, 2006. The Board is promulgating amendments to Title 14, CCR, Chapter 4, Subchapter 7, Article 2, Section 1038 for minor timber harvesting operations in the Lake Tahoe Basin.

Regulations Coordinator Chris Zimny reported that today is renoticed hearing for Lake Tahoe Regional Exemption. The original first notice for amending this section of the Forest Practice Rules was March 8th, at which time the Board directed staff to make amendments and to revise the rules and renote the regulation. This regulation establishes exemption requirements for operations in Lake Tahoe for hazard reductions. The regulation has currently been in effect on an emergency basis since June of 2005, and will expire in October of this year. A key direction that the Board gave at the public hearing was to coordinate with the Lahontan Regional Water Quality Board regarding their concerns. No comments were received from the Lahontan Board. Mr. Zimny is confident that Lahontan is satisfied with the way the Board is proceeding with the regulation. The Department's input has been incorporated into the regulation. Mr. Zimny thanked Chief Hall for his coordination. A letter from Chief Hall is in the Board Binder

Chairman Dixon asked Chief Hall if he had comments.

Chief Hall prepared a letter representing the Department, said CDF supports the adoption, however there is an issue pertaining page 2 lines 7 and 8. As revised, the language indicates that operations under subsection (h) are exempt from the plan preparation and completion report requirements. Chief Hall said that while clearly the Board did not intend that harvesting of large old trees be exempt from these requirements, the proposed language results in some confusion regarding these types of operations. As the proposed change on lines 7 and 8 do not seem to be necessary nor do they add clarity to the existing language, CDF recommends the Board move forward without adopting this change.

Member Rynearson asked Mr. Zimny if he agreed with Chief Hall. Mr. Zimny said yes.

Chairman Dixon asked if there were any state agencies with comments on the exemption. Chairman opened the public hearing. No requests to address the Board were recieved.

07-12-13: Member Rynearson moved that the public hearing be closed. Member Nawi seconded the motion. All in favor

07-12-13: Member Nawi moved to adopt the resolution with the deletion of the underlined language indicated earlier by Dennis Hall, Page 2, lines 7 and 8. Member Rynearson seconded the motion. The Chairman called for a roll call vote.

Nehring	Aye
Bosetti	Aye
Marckwald	Aye
Rynearson	Aye
Nawi	Aye
Giacomini	Aye
Ostrowski	Aye
Saito	Aye
Dixon	Aye

The motion was carried unanimously with nine ayes.

HEARING: Watersheds with Threatened or Impaired Values Extension, 2006.

This rule package was noticed on May 26, 2006. The Board is promulgating amendments to Title 14, CCR, Chapter 4, Subchapters 4, [5 and 6], Article 6, Sections 916.11 [936.11, 956.11]. These changes modify the sunset date for this regulation.

Regulations Coordinator Zimny reported today is the initial hearing for a 45-day notice for extension of existing interim watershed with threatened or impaired values. The proposed changes to the Forest Practice Rules amend sections related to "Protection and Restoration in Watersheds with Threatened or Impaired Values", and are generally termed Threatened or Impaired Rules (T/I) rules). These regulations define planning and operational requirements for timber harvesting and planning watersheds where State or federally listed threatened, endangered or candidate populations of anadromous salmonids are present, or where they can be restored. The T/I rules currently expire on December 31, 2006. The proposed regulatory amendments, entirely and solely involve changing the expiration date of the regulations to three possible dates: December 31, 2007, December 31, 2008, or December 31, 2009. The T/I regulations cover many sections of the Forest Practice Rules with a sunset date. Mr. Zimny said the Board has another hearing following this hearing for potential adoption of amendments

to the similar rule (Watercourse Streamlining). Mr. Zimny wants to be sure the two regulations get adequately filed and do not supersede each other or cancel other.

Chief Dennis Hall prepared a letter on behalf of the Department which is in the Board Binders. Mr. Hall said the Initial Statement of Reasons (ISOR) correctly describes the Board's ongoing efforts to review current information related to the habitat requirements and protection of anadromous species in order to determine if the appropriate alternatives to the rules can be developed. The ISOR also clearly indicates the importance of the existing rules in addressing the Department of Fish and Game's concerns relative to a recovery strategy for Coho Salmon. Recognizing the importance of continuing these two processes and the time commitment necessary to ensure that any changes to the rules have been developed utilizing the most current research and full participation by all affected parties, CDF requests the Board adopt Option 2, which calls for a two-year extension of the rule package. CDF believes the two-year extension is necessary in order to ensure continued protection of listed anadromous salmonids while allowing the Board time to perform its scientific review of the Threatened or Impaired rule package.

Mr. Marty Berbach, representing the Department of Fish and Game, said on March 27, he resubmitted a letter that Director Brodrick signed regarding the extension of threatened or impaired rules. Mr. Berbach feels the two-year extension option is the minimum.

No other state agencies had comment.

PUBLIC COMMENT

Mr. Paul Mason said there is no conceivable way the scientific review can be completed in one year. Mr. Mason supports a three-year extension or making the rules permanent, and urges at least two years.

Mr. Chris Quirmbach, a Forester with Timber Products Company, submitted a letter to Board. Mr. Quirmbach supports a one-year extension, and urged the Board to stay focused on salmonids.

Mr. Arne Holtgren, representing Roseburg Forest Products, said there is no correlation between the health of fisheries and the regulations. T/I regulations have reduced forest production in California by 19,000 homes. Mr. Holtgren suggests the Board let the rules sunset and start over.

Ms. Michele Dias, representing the California Forestry Association urged the Board to hold the decision over until next month. Ms. Dias thanked Member Nehring for his service on the Board. Ms. Dias submitted a letter from the California Forestry Association. Ms. Dias said because the pre T/I Forest Practice Rules have been shown to be more than adequate for the protection of salmonid populations, CFA recommends that the T/I rules be allowed to expire on December 31, 2006. After the Board has had time to conduct a scientific review and analysis, the Board can then revisit the necessity of implementing rules for the protection and restoration of watersheds with impaired values. If additional rules are found to be necessary consideration should be given to more flexible, site-specific framework for assessing environmental impacts. Ms. Dias urged the Board to let the sunset.

Mr. Richard Gienger said it is only realistic that the T/I I rules be extended for three years, there needs to be a process in place with the State, the Secretary and CAL EPA. The state needs to come up with money for a literature review

Mr. Peter Ribar, representing Campbell Timberland Management, supports a one-year extension. Mr. Ribar believes the ITP and literature review can be done in one year.

Mr. Tim Feller, representing Sierra Pacific Industries, submitted a letter to the Board. Mr. Feller urged the Board to allow the T/I rules to sunset as scheduled. This will provide for a fresh review and analysis of key issues and effectiveness of standard Forest Practice Rules. Mr. Feller said this is consistent with Secretary Chrisman's April 28 letter to Chairman Dixon regarding a collaborative approach to protect anadromous salmonids. If analysis indicates rule changes are necessary to the standard rules, the Board can then propose such action. This process will also provide a better opportunity to analyze the economic impact if needed.

Mr. Dan Weldon, representing Forest Landowners of California, urged the Board to reject the proposal and allow the interim rule to lapse. Mr. Weldon believes the current rules are detrimental to forests, and requested the Board vote against approval of the proposed extension of the interim rules.

Mr. Louis Blumberg, representing the Nature Conservancy, supports the three-year extension and pursuing the science review. Mr. Blumberg said the Secretary and Dept. of Fish and Game offered opportunity for streamlining.

07-12-14: Member Nehring made a motion to close the public hearing, Member Bosetti seconded the motion. All in favor.

Member Nawi asked what the timeframe would be for review and to complete the rule process, putting aside the 2112 issue, so the Board could embark upon formal ruling procedure.

Mr. Zimny said the tasks identified to go through the process of the literature review are: coming up with a process or framework, designating an oversight group, obtaining funding, commissioning a contractor to do the work, conducting the literature review, presenting that literature review to the Board, having expert testimony consisting of both policy and science, and then have the Board make policy on what content the potentially revised rule package should take, and following that a typical OAL process – those are the milestones. The concept of the literature review had its first meeting in March of this year. Expect several months framing the exact format of the literature review. Approval process of the literature review would possibly be in December 2006. Assuming that money will arrive, the Board should be able to commission the literature review by November 2006. We could determine we have a literature contract in place and the literature review begins during the last quarter of 2006 and be completed by approximately by the first quarter of 2007 with a contractor and materials in place, and a report to the Board by April or May of 2007. The Board would then initiate a technical specialist forum and begin the policy debate in May or June of 2007. How long will the Board need to debate the findings of the literature review, scientific studies, and incorporate potential rule changes. All that process begins in approximately May or June of 07. The ultimate result of that policy debate would be a draft rule, which would then begin noticing to OAL in August, September, or October of 2007, depending on the timeframe for the policy debate. If the rule package is submitted to OAL in October 07, a 45-day notice would take place in December of 07, and at that point, additional hearings would take place, and final adoption would take place

in January or February of 2008. Depending on how long the literature review and debate takes, some time could be carved off. Most likely the adoption of the rule will take place in the first quarter of 2008, or the last quarter of 2007.

Member Marckwald believes the Board has before today them all they need to make a decision. Member Marckwald said his sense of timing and what is an appropriate time, we will be informed somewhat by the addition of work, potential work that this Board may choose to take upon itself, which direction will require as much as or even more than the work involved in the scientific review and sorting whether the T/I should stay, what should go, what should be modified, another opportunity to create streamlining to avoid duplicative requirements. Member Marckwald believes that is a factor that will weigh in.

Member Bosetti said in Tahoe there was a great deal of debate on this subject. The rules have always been controversial, with one side indicating there is no proven science to justify the need for the rules at all to the extent that we should not have them; and the other side is we are not protected enough and are harming the resource. Member Bosetti's feeling is that one way or another we need to find out and get to it as quickly as we can. If things are bad and we can make them better, then we should. Member Bosetti believes there is relative consensus here that until the question is answered sufficiently, what is in place today needs to be kept in place. There is a need to bring this to conclusion as rapidly as possible. The Board has gone through this process since 2000. They were extended one year in 2001, two year in 2002, and extended in 2003 to the present expiration. Every time the Board has extended the rules, they had the same discussion. At the end of the last discussion, Member Bosetti decided it was the last extension he was going to offer. Member Bosetti supports the one-year extension. Member Bosetti pointed out that in Senator Kuehl's letter, she is unhappy with the 18 months. The Board sent a message that these were interim rules, and the Board was going to work on a solution, provide landowners some certainty, provide the agencies with protections they thought necessary in the process of evaluation. Member Bosetti said an extension of one-year is appropriate. If the Board doesn't get it done in one year, they the Board should talk about it then.

Member Giacomini agrees with Member Bosetti, she believes the science will inform the Board's decision – are they needed – are they not needed – do they need to be changed. Member Giacomini said the Board needs to get on with the literature review and science, and make it no more than one year. Ms. Giacomini said to set a short timeframe, set a high volume performance and get on with it.

Chairman Dixon said there is no likelihood that the Board will finish this process in one year. Chairman Dixon said the public has the opportunity to debate the rules as much as the Board has, which is critical to the process. Chairman Dixon said if he thought that the Board could have a new package publicly heard and ready for adoption to take place after a year, he would support a one-year extension, but he does not believe it is possible. Chairman Dixon said the process described at the Committee yesterday will work, but it takes time. Chairman Dixon supports the two year extension. Chairman Dixon opposes the three-year extension because he feels that means the Board has failed in the process if it takes three years. Chairman Dixon believes it can be completed in two years.

Member Rynearson believes the Board can move quickly on this issue, and that the Board has to move quickly. Member Rynearson also pointed out that Senator Kuehl is not happy with 18 months. Member Rynearson said the 2112 package will go forward with or without the Board.

This is a huge opportunity to coordinate regulations, to make a lot easier for both state agencies, sister agencies, and landowners to work under one umbrella. Member Ryneearson believes the Board should do everything they can to make this work; the Board owes it to the landowners, the fishing community, those who have expressed environmental concerns about the adequacy of the rules. Member Ryneearson said the Board is talking existing literature; there is no new science here. The Board needs to seek Fish and Game's coordination and move forward with the review. The Board's focus should review the T/I, the literature review, and try to meet the timeframes for 2112. Member Ryneearson supports the one-year extension.

Member Ostrowski feels the Board has outlined the process to address and come up with a decision-making process that is based more on science that will guide the Board through a much more efficient rule-making process. Member Ostrowski said it is possible that the Board may have this discussion next year, he hopes not, but it does force the Board to address the issue aggressively. Member Ostrowski is optimistic that the Board may produce something. They may have to extend portions of the rules next year. Member Ostrowski is confident that there will be proposed changes to the rules for protection of salmon and anadromous fisheries by this time next year. Member Ostrowski feels a one-year extension is appropriate.

Member Nawi believes there is a potential to complete this in one year. Member Nawi also mentioned Senator Kuehl's letter, where she expressed her concern over time. Member Nawi said the Board needs to make every commitment, and commitment of the Forest Practice Committee, to complete this process as quickly as possible in a sound and appropriate way. Member Nawi supports a 2-year extension with an absolute commitment to move as fast as the Board can to complete the process for rule-making next year.

Member Marckwald said because the Board is relying on outside resources, with no money yet to pay for those resources, it makes one-year unlikely. Member Marckwald said the professionals in charge from the department standpoint of fish and timber and water all say that they believe two years makes sense. Member Marckwald said dealing with the 2112 opportunity is the one thing the Board cannot let slip from their grasp next year. These are complicated issues. Member Marckwald does not believe the shorter timeframe will help the Board get to a better, more balanced view. He is afraid that when people realize there is a very short period of time, it will tend to harden positions, and people will become more advocacy-driven than scientific-driven. Member Marckwald supports the two-year extension.

07-12-14: Member Marckwald moved that the Board of Forestry adopt the package and adopt Option B, which would be a two year extension, not adopting the other language and underlining, with the sense that it was outlined by Member Nawi that the Forest Practices Committee is given the charge to move with as much stream as possible to bring this back to the full Board as quickly as possible while at the same time discharging duties under the 2112 responsibility. Member Nawi seconded the motion. Chairman Dixon called for a role call vote.

Nehring	No
Bosetti	No
Marckwald	Aye
Ryneearson	No
Nawi	Aye
Giacomini	No
Ostrowski	No
Saito	Aye

Dixon

Aye

The motion failed, four to five.

07-12-14: Member Bosetti made a moved that the Board adopt the one-year extension, with the extension date being December 31, 2007. Member Giacomini seconded the motion.

Member Nawi asked Member Bosetti if he wanted to add to his motion the sense that given that the Board has embarked on its scientific review of the issues and the T/I Rules that if that review is not completed at the end of the year in time to extend the rule, it would be the Board's express intent to extend the rules for further scientific review.

Member Bosetti clarified that Member Nawi meant that the intent of the extension is to provide time to maintain the protection that currently exist with the T/I Rules until a review of the science provides for an evaluation of the objectiveness and/or for the necessity to maintain the current rules.

Member Nawi said to complete that statement to add: "and if that review is not completed in time to address the rules next year within our rule-making calendar, it would be the Board's intent to extend the protections included in the rules to allow that to be complete". If this does come back to the Board in a year because the review is not completed the rule will be extended.

Member Bosetti thinks the general consensus is along those lines, and thinks that would be an acceptable means.

Member Giacomini, the seconder of the motion concurs.

Member Bosetti restated the motion.

07-12-14: Member Bosetti made a motion to extend the Threatened or Impaired Rules for one-year period, with a sunset date of December 31, 2007. Attached with that the sense of direction that the motion was made with is that the idea for the need for the extension is to provide opportunity to evaluate the rule necessity and sufficiency in that timeframe. At the conclusion of that timeframe, hopefully, the questions will be answered, and there will be a sense that we have been able to complete that scientific review that resolves those questions before we choose to further that discussion and maintain existing protection, and may consider an additional extension at that time. Chairman Dixon called for a role call vote.

Nehring	Aye
Bosetti	Aye
Marckwald	Aye
Rynearson	Aye
Nawi	Aye
Giacomini	Aye
Ostrowski	Aye
Saito	Aye

Dixon

Aye

All in favor. Passed unanimously.

HEARING: Watercourse Rules Streamlining, 2006.

This rule package was noticed on May 26, 2006. The Board is promulgating amendments to Title 14, CCR, Chapter 4, Subchapters 4, [5 and 6], Article 6, Sections 916.5 (e) [936.5 (e), 956.5 (e)], 916.9 [936.9, 956.9]. These changes modify marking requirements and designation of areas that are non-restorable for anadromous salmonids.

Regulations Coordinator Chris Zimny reported that today was the beginning of 45-day hearing on amendments to the T/I Rules. These rules have been in the Forest Practice Committee for over a year. The rules have three primary purposes as amended: 1) allowing sample marking of watercourse boundaries and harvest trees for Nonindustrial Timber Management Plans (NTMP); 2) waiving certain T/I rules for watercourse reaches where anadromous salmonids are not present and cannot be restored, as determined by State Agency participating in review of the harvest plan; 3) allowing harvesting of dead or dying trees in T/I watercourses under emergency notices filed under the Forest Practice Rules with specific circumstances to protect large woody debris recruitment. Mr. Zimny has received several comments. The Department had some changes which were reasonable and oversights in the drafting of the rule.

Chief Dennis Hall said there three points of concern in his letter. They are:

1. Use of the reference to "THP" and "THP area" This section of the rules pertains to operations conducted under an emergency notice. The use of the abbreviation "THP" in the proposed amendments must be revised for clarity. CDF provided suggested revisions to address that issue.
2. Use of "alternatives" in a non-discretionary notice. The Board has amended the existing rules to allow an RPF to "propose alternatives" under an emergency notice for tree retention related to long-term woody debris recruitment in watersheds with listed anadromous salmonids. As the emergency notice is a non-discretionary "notice" to CDF that timber harvesting work will be commencing immediately to address an emergency condition, it is not clear how or when a "proposal" for alternatives can be addressed. CDF offered language that relies on professional judgment by the RPF for consideration by the Board as they move forward.
3. Expiration date. The Board is proposing to amend subsection (y) designating it as subsection (w), however, the Board did not revise the date upon which these sections would expire. This change is in conflict with other changes proposed by the Board in an independent regulatory proposal. CDF recommends the Board consider the two alternatives: 1) revise the subsection to be consistent with the changes proposed under the independent regulatory proposal or 2) revise the subsection to be consistent with the changes adopted by the Board following the public hearing on the independent regulatory action. This could be handled with a 15-day notice, and that may eliminate some of the time concerns and move forward through the OAL process with the Threatened or Repaired package that was adopted earlier today, and submit following a hearing to consider the amendments.

Mr. Marty Berbach, representing the Department of Fish and Game, distributed a handout regarding DFG's position on the rule package. The Department supports the allowance for the sampling of WLPZs for NTMPs. Mr. Berbach is confused about the necessity for the rule change, but generally supports it. Mr. Berbach's second concern was waiving certain T/I rules for watercourse reaches where salmonids are not present. DFG's position on this is that threatened or impaired watershed rules should be based upon the watershed, not stream reaches. DFG is reliant upon the substance of the 2112 regulations that evolved based upon the T/I rules. DFG believes this to be a substantive change in the rule package. Under 2112, it is conceivable that there could be an individual landowner negotiation where there are different rules that apply. This rule, as proposed, will not be supported by DFG's regional offices. DFG supports the provision of allowing the emergency exemptions within a Class I WLPZ in a threatened or impaired watershed, although there is some ambiguous language on "THPs" that needs to be corrected. Mr. Berbach had some recommendations for changes in wording under page 14, line 16 through 18; and also page 15, lines 4 through 6 regarding temporary crossings of dry Class III watercourses – DFG's recommendation is to strike "which do" and replace it with "that may".

PUBLIC COMMENT

Mr. Richard Gienger endorsed the Department of Fish and Game's comments on the rule package.

Mr. Paul Mason, representing the Sierra Club concurs with the Department of Fish and Game's comments. Mr. Mason suggests dropping sections 916, 936.9, and 956.9 from the package, and encouraged board not to change over objections of department.

Mr. Arne Hultgren, representing Roseburg Forest Products, urged the Board to pass the package as it presently exists. All agencies have had ample time to comment or propose alternatives.

Mr. Chris Quirnbach, representing Timber Products Company supports the Watercourse Rules Streamlining, 2006 rule package as proposed in the 45-day notice, but request that the Board discuss: 1) allowing sample marking of WLPZs for all plans; and, 2) allowing timber harvest within WLPZs and ELZ/EEZs under exemption notices within watersheds with threatened or impaired values. Mr. Quirnbach supports approving the rule package as is.

Mr. Dan Weldon, representing Forest Landowners of California, endorsed the proposal and said it appears to reduce cost to landowners.

Mr. Dave Hammonds, California Licensed Foresters Association said CLFA supports the package. It represents a careful balance, in keeping the expressed goal of streamlining state forestry regulations while maintaining high environmental standards. It represents a small step in the right direction. CLFA asks the Board to support the rule package.

07-12-15: Member Ryneason moved to close the public hearing. Member Saito seconded the motion. All in favor

Member Nawi told Mr. Berbach and Dennis Hall he thought in the Committee setting there was agreement on the provisions. Member Nawi asked what had changed with regard to the second concern of DFG.

Mr. Marty Berbach recalled in December that there was solicitation of names of various options within the CLFA Streamlining package. Mr. Berbach was not in agreement with Item 2, and he submitted a separate option of don't adopt the middle one, regarding the stream reaches.

Mr. Zimny said Mr. Berbach is correct, the rule was agreed upon in committee notwithstanding Marty's objections to some sections. The direction from the Committee was to move forward as it was.

Member Rynearson, who was Chair of the Forest Practice Committee during the discussions, recalled there was agreement. That was the hang-up on the package to come to final agreement and Member Rynearson asked for Mr. Berbach, Mr. Zimny, and Mr. Hall to talk the matter over and come up with language

Mr. Berbach said DFG doesn't agree to any changes in that section. The language before the Board is not DFG's language. Mr. Berbach said this may have to be renoticed.

Member Ostrowski said until the Board gets an explanation of what DFG is proposing in 2112 it is difficult to tie the two packages together.

Member Rynearson said it appears we have support for CDF's changes which will result in a 15-day notice.

Member Ostrowski's understanding of the T/I rules was that they were intended to provide a margin of safety for values to address the sensitivity of listed fish. Member Ostrowski said this shows the Board doesn't have a process for resolving conflicts or investigating perceptions of how our rules work and how the natural processes that control temperature and woody debris recruitment are working. Member Ostrowski feels the Board is at a stalemate.

Member Rynearson asked Mr. Berbach if he had language at one time that he felt would work and support. We are at a 15-day notice now, either the Board strikes the language and doesn't include it or the Board works with DFG to see if they have some language they can offer. Member Rynearson said the outstanding issue is whether to have alternative language to this provision or strike the provision.

Mr. Berbach said DFG presently does not have language to offer.

Member Nawi would like to see if there is some flexibility on DFG's part and come to an acceptable resolution

Chairman Dixon said August would be the last date for sending out a 45-day notice. Chairman Dixon proposed getting people together and see if there might be some acceptable language that may be acceptable between now and the Board's August meeting so a 45-day notice can be put out. Chairman Dixon directed Board and Department staff to work with Department of Fish and Game

7-12-15: Member Rynearson made a motion to request staff, including CDF, to work with DFG to see if they can develop alternative language to the current language pertaining to the non-anadromous reaches of watercourses within T/I watersheds . If they are able to do so, initiate the 45-day notice which would incorporate that additional optional language as well as the changes proposed by

CDF to the other section of the regulations. If they are unable to reach suitable alternative language that staff move forward with only modifying the proposal with CDF's recommendations and moving forward with the package forward with a 15-day notice for a hearing in August. Member Nawi seconded the motion with clarifications. (1) it might be that they can come up with a 15-day change to address this, Member Nawi would be surprised if it weren't a 45-day change; and (2) accept the ability of staff as they see fit to involve the Resources Agency in this, especially because the Resources Agency is mother to both Departments. Member Rynearson agreed.

The Executive Officer said the time span between now and the August meeting is not much longer than 15 days, and he is not certain the Board can meet the time constraint. There may have to be a stand-alone meeting to address the issue.

Chairman Dixon asked if nothing were worked out relative to the alternative language, could a 15-day notice be issued at the August meeting.

Executive Officer Gentry said yes.

Member Rynearson said he would withdraw the portion of his motion says the August meeting and either put forward the 15-day or 45-day notice. It would be August or September meeting.

As seconder of the motion, Member Nawi accepts the clarification.

All in favor of the motion. Motion carried unanimously.

PRESENTATION ON THE BOARD'S DRAFT POLICY STATEMENT

Chairman Dixon said the Executive Officer and Committee needed additional time, this item is deferred to the August board meeting.

UPDATE ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR JACKSON DEMONSTRATION STATE FOREST (JDSF) DRAFT MANAGEMENT PLAN

Member Nawi reported the comment period closed in March. CDF have been assembling and preparing responses to the comments. CDF is classifying the comments in terms of whether they are technical, legal, policy, or a combination. Several comments said the management plan should focus more on actual research and the possibility of turning JDSF more into a traditional world class demonstration forest. Member Nawi and Rynearson believe that approach could make sense and could be accommodated within the confines of the existing draft EIR. Member Rynearson and Nawi think it would make sense while going forward with preparing responses to the comments they can respond to without policy direction to give the Executive Officer direction to work with CDF to seek within the existing range of alternatives what it would take to craft a alternative for considering that would focus more on research and have greater flexibility in determining research like flexibility in projects to be built into it.

07-12-17: Member Nawi moved that the Board direct the Executive Officer in assistance with CDF craft an alternative for consideration by the committee and later by the Board that would focus on the research aspect of JDSF, and include flexibility in that for choosing the research projects in the future and to make it clear that this would be his carrying out the Board's role as policy-maker in approving body for the management plan.

Member Rynearson said to clarify the motion, the alternative would be alternatives within the forest management plan.

Member Nawi said that is correct.

Member Rynearson said that would be consistent with the current different alternatives that have been reviewed by and commented on by the public for which comments are currently pending in the DEIR process.

Member Nawi said his intent is whatever they come up with be in the confines of the DEIR and current alternatives.

Member Rynearson seconded the motion with the clarifications. All in favor of the motion.

Mr. Henly said CDF is wrapping up the internal review and will have it next week.

STANDING COMMITTEES OF THE BOARD

Report of the Sensitive Watershed Nominations Review

No report was made.

Forest Practice

Member Nawi, Chair of the Forest Practice Committee, reported that the Executive Officer presented a status report on the progress of seeking to do a literature review. Member Nawi said we have not heard from the State Water Resources Control Board as to whether we are able to piggy-back on their EPA contract with TetraTech. That answer should be coming later this week. Mr. Galen Lee, from the State Board, was not optimistic. Member Nawi said this would be Option A. Option B would be funding from CDF in the amount of \$50,000 to \$100,000 to contract with some entity within the UC system or maybe California State University. Member Nawi has been told that money will be available, but he is not sure of the amount. This is option B. Option C would be having staffs at the agencies conduct the literature review.

The Forest Practice Committee had a lengthy discussion on process and a technical advisory committee. The Forest Practice Committee feels a technical advisory committee would be appropriate, which should consist of 7 to 11 members. It was suggested in public comment that five of the members would be agency representatives, two members would be from the public (industry and the environmental side). Member Nawi said a letter could go out in the next few days soliciting nominations or indications of interest, and the Board would make the appointments at

their next meeting based on recommendations from the Forest Practice Committee. The Forest Practice Committee thought that UC Cooperative Extension should be contacted to play a role in on working with and facilitating the meetings of the Technical Advisory Committee, assuming that UC is available. The Committee discussed the ability of the Technical Advisory Committee to bring in other experts as necessary toward the end of the process. The Forest Practice Committee looked at the functions and process of the Technical Advisory Committee, they should come to agreement on the format of the literature summary to be provided and to agree on the questions to be addressed in the literature review. Member Nawi would like the Technical Advisory Committee to provide a consensus recommendation to the Committee and the Board for approval as to the questions to be addressed. Member Nawi wants to be sure that the questions asked in the beginning would be responsive to what the Board and scientists would be looking for at the end of the process. Then there would be a scope of work incorporating the recommendations of the Committee as to what the consultant would do. Following those steps there would be a solicitation to the public at large to provide and identify what literature. The role of the contractor would be identify and summarize the science on relevant issues; the contractor would not specifically address the connection between the science and the regulatory issues that the Board will be facing. That would be done through a process of technical advisory committee, if there would be a scientific summary provided by the contractor, then the Scientific Advisory Committee would seek to formulate recommendations to the Committee and Board. The meetings of the Technical Advisory Committee would be open, public meetings. Based on their recommendations, and if they receive consensus, this will go back to the Forest Practice Committee and then the full Board for decision.

The Forest Practices Committee did not address the issue of timeliness. Member Nawi requested Board action to go out with a solicitation via letter this week for nominations or recommendations as to who should be on the Technical Advisory Committee. Member Nawi reiterated that the Ad Hoc Committee would be Board-appointed, and meetings would be open to the public, but discussions are among members of the Committee, with the public watching and open to public comment at the end of the meeting. Member Nawi said the letter that Mr. Zimny will draft for solicitations for membership on the Committee would be reviewed by Members Nawi and Ostrowski before it goes out. Member Nawi requested that the Board express today their strong encouragement and support to CDF to see if they can provide the requisite amount of money at the earliest possible time so the Forest Practice Committee can move forward with option B, on the assumption that Option A (SWRCB) will not work. Member Nawi said the Board could hear appointments at the next Board meeting.

Member Marckwald missed yesterday's Committee discussion, he asked Member Nawi what the membership of the Ad Hoc Technical Committee would be.

Member Nawi said it was felt that a committee, consisting of both agency people and non-agency people from the environmental side and regulated industry side would provide the greatest transparency and buy-in on the technical issues and provide for a robust scientific review of the technical issues as we go forward in formulating questions and looking at the responses, and perhaps formulating responses at the end of the process. Five members would be agency people, the other two to six members would be from the public. Member Nawi said at next month's meeting the Forest Practice Committee would make selections for the full-Board to take action on. Member Nawi requested the Executive Officer have a representative from UC Cooperative Extension present at the next meeting in Santa Cruz.

Member Marckwald said the Board needs to keep the Resources Agency involved. They might have some ideas where to get funds.

Member Bosetti said they need a scope of work. Member Nawi will put together a summary of what the Forest Practice Committee wants.

07-12-11: Member Nawi made a motion for the following actions.

- 1. Receive the consent of the Board to send out a letter requesting nomination.**
- 2. Request direction of the Executive Officer to work on an expeditious timeframe with UC Cooperative Extension.**
- 3. Receive an expression of the Board's very strong encouragement and desire to make the requisite funding available to contract with the UC system or State University.**

Member Marckwald seconded the motion. All were in favor

Policy

Member Nawi said the Policy Committee was given report on pending legislation, which was focused on AB 32. The Committee also discussed a draft of the Board's Policy Statement, and they determined that it will be presented to the Committee and then the Board next month. The first draft of the Policy Statement would be put out and then come back to the Board following comments and a third draft put out later that would be subject to being adopted.

Member Ostrowski said the Committee discussed the joint policy with the Fish and Game Commission on salmon and that has been forwarded to the Board and Committee with the Commission approving that and it is now to the Board to review, possibly change and approve.

The Committee discussed the MOU that the Board has with the Department for rule review on an annual basis. This will be an ongoing issue with the Committee to review the MOU.

CLFA have brought up the point that there are certain issues that the Board cannot address through regulation that would need to be addressed through legislation. Possibly some of the initial work of reviewing a concept or issue could be done at the Board level, transmitting results to the to either the legislature or the department to propose as legislation. The committee asked CLFA and any other interested parties bring forth their ideas for possible issues to be addressed for possible proposals for legislation

The Committee has a presentation by Mr. Pete Cafferata on the MSG Strategic Plan. There is a revision to the strategic plan. The Committee discussed the possibilities of other expanded roles for the MSG or possibly another type of committee that would include MSG.

Management

Member Ryneerson said the two Committee had a presentation on SNTMP by Mr. Huff, where they discussed some changes made to the SNTMP.

Mr. Holtz, from the Forester's Guild, will attempt to address the issue of the 80% site occupancy. They will have a workshop in December to address the issue. They may have finalized language by December or mid-fall on this package.

The Committee had an update from Mr. Henly on the state forest management plan. Mr. Henly provided the Committee with a complete matrix of all different state forests when all state forests had their current management plan, their EIR and CEQA documents approved and when they are up for revision and review. The current forest of concern is Boggs Mountain. The Committee will have a draft from the State Forest Review Committee in late-fall. The key issue will be what CEQA process to follow.

The Committee also discussed the NTMP growth yield and guidelines. They were reviewed by the PFEC, who found they were well written, and may be implemented as regulation. This may make NTMP's more expensive and may require RPFs to staff up or seek additional guidance to address issues. CDF is likely to hold additional workshops.

The Committee had an excellent discussion on PTEIR. Mr. Huff put together a powerpoint presentation that identified the clear differences between the PTEIR, PTHP process, and the standard THP. The PTHP associated with PTEIR is not a functional equivalent document. There needs to be clarification on what happens when the rules change to the contents of the PTEIR and how does the PTEIR have to be modified to address the changes in the rules. The Committee is going to write a letter from Board Staff to Counsel as well as to CDF Counsel requesting a response to that issue.

The last committee agenda item, which is an action item, the Committee completed a review of the road management plan. They had an interim meeting since the last Board meeting where they learned that the road management plan could not stand alone. Therefore, they rewrote the road management to where it was three years ago, to have the road management plan as a document that is approved with a plan, such as a THP, NTMP, PTIR, or SYP.

07-12-18: Member Ryneerson moved the Board support a 45-day notice for the road management plan package with allowances for minor editorial changes. Member Giacomini seconded the motion.

Mr. Paul Mason, representing Sierra Club, is curious about road management plan why it makes sense to rush forward with the road management plan when it was gutted. Why rush forward on a minimal timeframe to approve rule package of questionable utility.

Mr. Richard Gienger, said we are back to version from three years ago. Mr. Gienger believes it is premature to put out as 45 day notice, the plan is half baked.

Mr. Pete Ribar sees no problem moving forward with a 45-day notice.

Chairman Dixon asked what prompted this big change right at the end.

Member Ryneerson said it was legal advice. CEQA regulations would have to be changed by legislation.

Member Ostrowski encourages the 45-day notice.

Member Bosetti agrees with the Committee's recommendation.

Resource Protection Committee

Member Bosetti said the Committee covered two agenda items. The first was an update of the Assessment of the California Fire Plan presented by Chief Hoffman and Chief Mitchell.

The Committee received an update on general plan safety elements for Newport Beach. This was a possible action item. There were questions relative to the review. Timeliness is an issue and the timeframe has lapsed. There was question if there were any designation of very high severity fire zones within the cities boundaries. The general plan was presented to the Department and Board for review. The Committee would like staff to prepare a letter covering the recommendations and provide them to the City for their consideration.

07-12-18: Member Bosetti moved that staff prepare a letter covering the recommendations and provide them to the city for their consideration, realizing that they have no obligation to respond to any of them. The content of the recommendations may be helpful to the City. Member Giacomini concurs and seconds the motion. All in favor.

REPORT OF THE REGULATIONS COORDINATOR

Mr. Zimny said the only potential hearing item for the August Board Meeting is the pending CLFA Streamlining Issue. Aspen Regulations will be scheduled for the September Board Meeting.

REPORT OF THE EXECUTIVE OFFICER

Executive Officer Gentry reported that the Board's Staff Services Analyst recently got married and her new name is Laura Alarcon-Stalians.

PUBLIC FORUM:

Mr. Richard Gienger noted that Mr. Larry Moss passed away. Mr. Gienger encouraged CDF and DFG work together and prevent duplication in important policies. Mr. Gienger we need a prescriptive set of T/I rules, and they need to be maintained.

Mr. Paul Mason said the discussion on CLFA Streamlining was distressing at the Committee. Board should know to prioritize discussions, and make better use of the Committee's time.

NEW AND UNFINISHED BUSINESS

Executive Officer Gentry will send email to Board members of proposed meeting dates for 2007.

ADJOURNMENT

Chairman Dixon adjourned the meeting.

Respectfully submitted,

George D. Gentry
Executive Officer

ATTEST:

Stan Dixon
Chairman